



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Knut E. Rasmussen, et al. ) Examiner  
Serial No.: 09/857,132 ) Padmanabhan  
Filed: 05/29/2001 ) Group Art  
For: METHOD AND DISPOSABLE DEVICES ) 1641  
FOR MICRO EXTRACTION )

July 2003

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Arlington, Virginia 22313-1450

In response to the Restriction Requirement set forth in an Office Action mailed June 13, 2003, the Applicants hereby provisionally elect Group II claims identified by the Examiner as claims 31-58 for examination, with traverse.

The Examiner has stated that the inventions listed as Groups I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical features. The Examiner reasons that the "means for enhancing transport of analyte from a sample solution through the membrane wall and into the acceptor solution of the apparatus of Group I is not required of Group II just as the enablement of analyte equilibrium between the sample

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equilibrium between the sample and acceptor solution of Group II is not required of Group I."

The Applicants submit that there are two criteria for a proper requirement for a restriction between patentably distinct inventions. (1) the inventions must be independent and distinct as claimed; and (2) there must be a serious burden on the Examiner.

Further, the Applicants submit that the inventions as set forth in Groups I and II by the Examiner are not independent.

Claim 21 provides for means for enhancing transport of the analyte from the sample solution through the membrane wall and into the acceptor solution. A specific example is set forth in the original specification, i.e. the means may be a stirring device for enhancing the transport of the analyte.

Claim 31 provides for a membrane wall, which enables analyte equilibrium to be established between the sample solution and the acceptor solution. This equilibrium is established by transport of the analyte from the sample solution through the membrane wall and into the acceptor solution and accordingly, the claims define structure that is related or dependent.

35 USC 121 states that if two or more independent and distinct inventions are claimed in one application the director may require the application to be restricted to one of the inventions.

Independent means not dependent. Inasmuch as the equilibrium enabled by the membrane in claim 31 is dependent upon the means for enhancing transport of the analyte. Accordingly, the Applicants submit that the claims are not independent and therefore respectfully request reconsideration by the Examiner of the restriction requirement. Non-elected claims will be cancelled if the restriction requirement is maintained.

Please address all communications to:

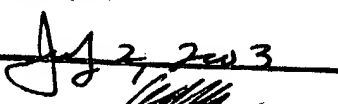
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Respectfully submitted,



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